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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,278	09/30/2003	Burton L. Levin	7146.0171	6563
7590	02/09/2005		EXAMINER NGUYEN, TAI T	
Kevin L. Russell Suite 1600 601 SW Second Ave. Portland, OR 97204-3157			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,278

Applicant(s)

LEVIN ET AL.

Examiner

Tai T. Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20-37, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 18, 19, 38, 39 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/01/04 and 11/18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 12-17, 20-28, 31-37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moricca et al. (US 4,080,517).

Regarding claims 1-2, 11, 14, 16-17, 21-22, 31, 34, 36-37 and 41, Moricca et al. disclose a system (10) comprising:

a receptor member (PC'S) having one or more light receiving members (14), each light receiving member capable of generating a respective electrical signal in response to light incident on the light receiving member, the receptor member connectable to a light emitting member (12) that indicates the existence of an event by emitting a light signal associated with the event (col. 3, lines 4-38);

a processor in the form of a digital decoder (20) respectively connected to the receptor so as to receive the respective electrical signals from the receptor member, the processor operatively connected to an audio member (28) capable of emitting an audio signal associated with the event; and the processor being capable of causing the audio member to emit the audio signal when the receptor member is connected to the light

emitting member and the light emitting member emits the light signal (figure 1; col. 3, line 39 through col. 4, line 19).

Moricca et al. disclose the instant claimed invention except for the receptor member being detachably connectable to a light emitting member. Since Moricca et al. disclose the system being adapted for use with a conventional multi-line telephone instruments, it would have been obvious to a person having ordinary skill in the art at the time the invention was made know the system should be detachably to the conventional multi-line telephone instrument for the purpose of enabling a blind person to determine the status of a plurality of telephone lines in order to provide an audio output indication to the blind person.

Regarding claims 3 and 23, Moricca et al. disclose at least two of a plurality of events are not mutually exclusive and the processor is capable of causing the audio member to emit the audio signals associated with the at least two of the plurality of events when the light emitting member simultaneously emits the light signals associated the at least two of the plurality of events (col. 4, lines 6-14).

Regarding claims 4 and 24, Moricca et al. disclose the processor prioritized at least two of the plurality of events into sequence and causes the audio member to emit the audio signals associated with the at least two of the plurality of events in sequence (col. 3, lines 39-68).

Regarding claims 5 and 25, refer to claims 3-4 above.

Regarding claims 6 and 26, Moricca et al. disclose at least one event being associated with a time varying light signal (col.4, lines 6-19).

Regarding claims 7 and 27, Moricca et al. disclose the processor is capable of sampling the respective electrical signals received from the receptor member to detect at least one event (col. 3, lines 39-47).

Regarding claims 8 and 28, Moricca et al. disclose the system having a self-contained power source (202, figure 6, col. 8, lines 3-6).

Regarding claims 12 and 32, Moricca et al. disclose the instant claimed invention except for the processor being programmable. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the processor being programmable in order for processing an input signal and outputting signal indicating of an event.

Regarding claims 13 and 33, Moricca et al. disclose the audio device being programmable to provide an acoustic output that is identified by the frequency of an audio tone and by the time delay between particular tone and a reference tone pulse (figure 1).

Regarding claims 15 and 35, Moricca et al. disclose the instant claimed invention except for a headset detachably connected to the audio device. Since Moricca et al. disclose a speaker (34) for broadcasting audio signal (figure 1), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a headset for the purpose of facilitating operation for user that enable the use having free hands to do other thing.

Regarding claims 20 and 40, Moricca et al. disclose the instant claimed invention except for the light emitting device displays word, the processor being capable

of distinguishing words and causing audio device to audibly recite word. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use optical characteristic recognizing device instead of light receiving device to read words displaying on the light emitting device that enable the processor recognizing the words and causing the audio device to output the displayed words therefrom.

3. Claims 9-10 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moricca et al. (US 4,080,517) in view of Nelson et al. (US 6,775,381).

Regarding claims 9-10 and 29-30, Moricca et al. disclose the instant claimed invention except for the receptor member being of CCD or CMOS devices. Nelson et al. teach a hand held reader (12) being capable of capturing an invisible encodement image (34) using CCD or CMOS (col. 9, lines 10-38). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the CCD or CMOS as taught by Nelson et al. in the system as disclosed by Moricca et al. for the purpose of receiving image/light in order to generate electrical signal indicating an event.

Allowable Subject Matter

4. Claims 18-19, 38-39, and 42 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagasaki et al. (US 6,622,276), Byford (US 6,097,375), Wendt (US 5,345,557), Schieser (US 3,665,111).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tai T. Nguyen
Examiner
Art Unit 2632

February 5, 2005